M Hunter 10/3/17

AO 106 (Rev. 04/10) Application for a Search Warrant

UNITED STATES DISTRICT COURT

for the

Southern District of Ohio

In the Matter of the Search of

The residence located at 213 Hawthorne Road, Chillicothe, OH 45601 including the residential dwelling, curtilage, detached structures and any/all vehicles located therein.

Case No. 2:17-mj-573

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property

213 Hawthorne Rd., Chillicothe, OH 45601, a tan and brick two-story single-family residence with tan siding and red brick veneer with a two-vehicle attached garage on the lower level.

located in the Southern District of Ohio, Eastern Division, there is now concealed *(identify the person or describe the property to be seized)*:

A quantity of a controlled substance and/or proceeds which are evidence thereof, and/or contraband, in violation of Title 21, United States Code, Section 841(a)(1).

The basis for the search under Fed. R. Crim. P. 41(c) is *(check one or more)*:

- ☑ evidence of a crime;
- ☑ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	*Offense Description*
Title 21 USC 841(a)(1)	Possession with intent to distribute a controlled substance

The application is based on these facts:

As set forth in the attached Affidavit of Postal Inspector DANIEL J. JOHNSON

- ☐ Continued on the attached sheet.
- ☐ Delayed notice of _____ days (give exact ending date if more than 30 days: __________) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

[signature]

Applicant's signature

DANIEL J. JOHNSON, U.S. POSTAL INSPECTOR

Printed name and title

Sworn to before me and signed in my presence.

Date: 10/3/17

[signature]

Judge's signature

City and state: COLUMBUS, OHIO

KIMBERLY A. JOLSON, U.S. MAGISTRATE JUDGE

Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN THE MATTER OF THE SEARCH OF:	)	
	)	**Case No.**
The residence located at 213 Hawthorne Road, Chillicothe, OH 45601 including the residential dwelling, curtilage, detached structures and any/all vehicles located therein.	)	

AFFIDAVIT IN SUPPORT OF APPLICATION FOR SEARCH WARRANT

I, United States Postal Inspector Daniel Johnson (your affiant), being first duly sworn, hereby depose and state as follows:

Introduction and Agent Background

1. Your affiant submits this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a warrant to search the residence located at 213 Hawthorne Road, Chillicothe, OH 45601, hereafter referred to as the SUBJECT PREMISES, as described in Attachment A, believing evidence, fruits, and instrumentalities of violations of Title 21, United States Code (U.S.C.), Section (§) 841(a)(1) and Title 18 U.S.C. § 2, knowingly or intentionally attempt to manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense Fentanyl, a Schedule II controlled substance are all located in SUBJECT PREMISES. Your affiant requests authority to search the entire SUBJECT PREMISES, including the residential dwelling, curtilage, detached structures and any/all vehicles located therein for evidence, fruits, and instrumentalities of the above violations, and seize those items for further examination to be conducted on and offsite as described in Attachment B. The facts set forth in this affidavit are based on my knowledge, experience, and investigation, as well as

the knowledge, experience, and investigative findings of others. Since this affidavit is being submitted for the limited purpose of securing a search warrant, your affiant has not included each and every fact known to me concerning this investigation. Your affiant did not withhold any information or evidence that would negate probable cause. Your affiant has set forth only the facts believed to be necessary to establish probable cause that the SUBJECT PREMISES, including the residential dwelling, curtilage, detached structures and any/all vehicles located therein contain evidence of violations of Title 21, U.S.C., §§ 841(a)(1) and 846. The SUBJECT PREMISES is located within the Southern District of Ohio.

2. I have been a U.S. Postal Inspector for the past 9 years, enforcing federal mail and drug laws; currently assigned to Columbus, OH. I have received training at the U.S. Postal Inspection Service National Training Seminars for mail-related criminal investigations and have investigated cases with other federal, state, and local police units.

3. The U.S. Postal Inspection Service is aware that drug traffickers have been using Priority Express Mail, a business-oriented service offered by the Post Office, to transport controlled substances and transfer funds, cash or otherwise, to further their enterprises. As a result of past investigations and prosecutions, the Postal Inspection Service has determined that a number of indicators can be used to identify packages containing contraband that have been entered into the Priority Mail network. Inspectors routinely review shipment documents and Express Mail packages originating from or destined to drug source areas to identify instances where there is a possibility of drug trafficking.

4. Your Affiant requests that this search warrant be issued in anticipation that approximately 2 grams of white powder (sham), inside of International Express Mail parcel number LX031975047PL, under the control of USPIS, will be transported and delivered to the SUBJECT PREMISES and that the (sham) will be located within the SUBJECT PREMISES. If parcel LX031975047PL is not successfully delivered to this location, no search will be conducted and the search warrant will be returned to the court unexecuted.

Applicable Statute

5. Title 21, U.S.C., § 841(a)(1), it shall be unlawful for any person knowingly or intentionally to manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense, a controlled substance.

6. Title 18, U.S.C., § 2, it shall be unlawful for any person knowingly or intentionally to attempt to manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense, a controlled substance.

Background

7. Based upon my training and experience, your affiant knows that drug traffickers often use any means available to them to transport narcotics. One common method of smuggling drugs is to ship narcotics via the United States Mail. In addition, your affiant knows that drug traffickers commonly maintain books, records, receipts, notes, ledgers, electronic data, and other items relating to the importation, transportation, ordering, purchase, and distribution of illegal drugs at their residence or at the location at which their trafficking activities are being conducted.

8. In connection with the transportation of drugs, your affiant knows that drug traffickers frequently maintain evidence of travel and other records required to arrange for the purchase and importation and distribution of such drugs, and keep tickets, notes, receipts, passports and other documents at their residence or the location where they conduct trafficking activities, including on the their mobile devices, computers and related electronic storage media. Your affiant knows that drug traffickers maintain records and other documents related to the possession, shipment, tracking and delivery of illegal controlled substances at the location where their drug trafficking activities occur. Your affiant knows that indicia of occupancy, residency and ownership of premises, including but not limited to utility and telephone bills, canceled envelopes, rental, purchase or lease agreements, identification documents and keys are often maintained at such drug trafficking locations.

9. Further, your affiant knows that drug traffickers frequently know others involved in the

trafficking of illegal substances, and address and/or telephone books, rolodex indicia, electronic organizers, telephone paging devices and the memory thereof, and papers, records or electronic data reflecting names, addresses, telephone numbers, pager numbers of co-conspirators, sources of drug supply and drug customers, and other items are frequently maintained by such traffickers which provide evidence of the identities of others involved in such trafficking.

10. Your affiant also knows that drug traffickers frequently use aliases to conceal their identities, and often possess firearms and other weapons at the premises where they conduct drug trafficking. Persons who traffic in drugs often maintain at their residences and other locations where they conduct drug trafficking activities unsold or undistributed supplies of controlled substances and other drugs, drug paraphernalia including chemical diluents, weighing scales, mixing bowls, glassine bags, spoons, which are utilized in the weighing and packaging of controlled substances.

Probable Cause

11. On October 2, 2017, U.S. Customs and Border Protection (CBP), while utilizing Border Search Authority, examined a parcel marked with Foreign Express Mail number LX031975047PL as it was sorted through the USPS Columbus, Ohio Processing and Distribution Center. The package originated from the country of Poland and was scheduled to be delivered to Peter "Kyle Halsey, 213 Hawthorne Rd., Chillicothe, OH 45601 USA" (SUBJECT PREMISES). The parcel contained a "charger adapter" and approximately 2 grams of white powder that tested positive for Fentanyl a schedule II controlled substance.

13. U.S. Postal Inspectors conducted an address check at the SUBJECT PREMISES. The residence is a two-story single-family residence with tan siding and red brick veneer with a two-vehicle attached garage. The numbers 213 are posted on the mailbox located in front of the residence. There is at least one shed located on the property. There was a light colored Toyota Four Runner parked in the front yard. This same vehicle appears in the "Photos" section of Kyle Halsey's Facebook page from Chillicothe, OH.

14. Your affiant ran the address 213 Hawthorne Rd., Chillicothe, OH 45601through Ohio driver's license databases and confirmed that a Michael K. Halsey does have his license registered to the SUBJECT PREMISES.

15. On October 4, 2017, United States Postal Inspectors and other investigators intend to conduct a controlled delivery of the aforementioned parcel described above to the SUBJECT PREMISES. A U.S. Postal Inspector posing as a Postal Letter Carrier will deliver the parcel to the SUBJECT PREMISES. At this time, law enforcement does not know who or how many people reside inside the SUBJECT PREMISES. Based upon your affiant's training and experience, and because it is difficult to determine precisely when the recipient or intended recipient will open the subject parcel to retrieve the substance inside, this application seeks permission for law enforcement to install a parcel beacon device within the parcel. Law enforcement will then deliver the parcel with the approximately 2 grams of "sham" replacing the fentanyl inside along with the tracking device, and will use the device to monitor the movement and opening of the parcel in question at all times, including those times when the package has entered the SUBJECT PREMISES or other private property. The Fentanyl will be replaced with "sham" powder due to the dangers to law enforcement and others in the handling of fentanyl should they become exposed.

16. The parcel beacon tracking device will transmit only and will not monitor voice conversations. Because law enforcement expects that the parcel will be taken into a private residence when the parcel is accepted, authority is sought to monitor the signals of the device in private areas, such as buildings, residences and other like closed structures, which are not public (including, but not limited to, the SUBJECT PREMISES).

17. Members of law enforcement do not know when the parcel will be opened by the intended recipient or recipients. This Application seeks authority to enter subject premises and to search for and seize fruits, evidence, and/or instrumentalities of the specified federal offenses. More particularly, there is probable cause to believe that at the "SUBJECT PREMISES", at the time of the execution of the Search Warrant (upon satisfaction of the stated condition precedent, i.e., that

the package is accepted and taken inside of the premises) there will be the items, materials, and objects described in Attachment B to the Search Warrant for the subject premises, which is incorporated herein as set forth in full. Accordingly, authority is sought to enter and search the SUBJECT PREMISES once the parcel is accepted into the SUBJECT PREMISES.

Conclusion

Accordingly, I respectfully request that the Court issue:

I. A Search Warrant for SUBJECT PREMISES, which law enforcement may execute once the aforementioned parcel is received at that location and upon satisfaction of the stated condition precedent, i.e., that the package is accepted and taken inside of the premises;

II. Authority to execute the Search Warrant between the hours of 6:00 am and 10:00 pm, as law enforcement deems necessary; but in no event more than 24 hours after the parcel was delivered;

III. An order permitting law enforcement to monitor, in private areas, the signals emitted by a beeper device, which will be installed in the subject parcel to alert law enforcement when the parcel is opened; and an order permitting law enforcement to monitor the signals, in private areas, which will be installed in the subject parcel to alert law enforcement to the movement and opening of the parcel.

Daniel J. Johnson
United States Postal Inspector

Sworn to and subscribed to
before me this 3rd day of October, 2017.

Kimberly A. Jolson
United States Magistrate Judge
Southern District of Ohio
Eastern Division

ATTACHMENT A

DESCRIPTION OF LOCATION TO BE SEARCHED

The residence is a two-story single-family residence with tan siding and red brick veneer with a two-vehicle attached garage. The numbers 213 are posted on the mailbox located in front of the residence. There is at least one shed located on the property.

ATTACHMENT B

PARTICULAR THINGS TO BE SEIZED

All fruits, evidence and instrumentalities, as listed below of criminal offenses against the United States, that is Title 21 U.S.C. § 841(a)(1) and Title 18 U.S.C. § 2, knowingly or intentionally attempt to manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense Fentanyl, a Schedule II controlled substance. Those items include:

(a) Controlled substances, materials that drugs were shipped in and/or used to package for sale, drug paraphernalia used to administer or ingest controlled substances, and equipment related to the sale, manufacture, processing and storage of controlled substances, including but not limited to all cooking equipment, chemicals, packaging materials, scales, presses, adulterants, diluents, strainers, measuring spoons, scales, grinders, etc.;

(b) Log books, records, payment receipts, notes, and/or customer lists, ledgers and other papers relating to the transportation, ordering, purchasing, processing, storage and distribution of controlled substances, including all records of income and expenses;

(c) Papers, tickets, notices, credit card receipts, travel schedules, travel receipts, passports, and other items relating to travel to obtain and distribute narcotics and narcotics proceeds. Evidence of such travel is often times maintained by narcotics traffickers in the form of airline receipts, bus tickets, automobile rental receipts, credit card receipts, travel schedules, diaries, hotel receipts, logs, travel agency vouchers, notes, cellular telephone tolls and records of long distance telephone calls;

(d) Books, records, invoices, receipts, records of real estate transactions, auto titles, financial statements, bank statements, cancelled checks, deposit tickets, passbooks, money drafts, withdrawal slips, certificates of deposit, letters of credit, loan and mortgage records, money orders, bank drafts, cashier's checks, bank checks, safe deposit box keys, money wrappers, wire transfer applications and/or receipts, fictitious identification, and other items evidencing the obtaining, secreting, transfer, concealment, and/or expenditure of money. These records should include both records of drug trafficking and legitimate business operations;

(e) Electronic equipment, such as telephone answering machines, telephone caller identification boxes, video and audiocassette tapes, pagers (digital display beepers), and any stored electronic communications contained therein;

(f) Cellular telephone(s) and/or portable cellular telephone(s) and any stored electronic communications contained therein;

(g) United States currency, precious metals, jewelry, gold coins, and financial instruments, including, but not limited to, stocks and bonds;

(h) Photographs of co-conspirators, assets and/or narcotics, including still photos, negatives, video-tapes, films, slides, undeveloped film and the contents therein;

(i) Address and/or telephone books, rolodex indices, and any papers reflecting names, addresses, telephone numbers, pager numbers, and fax numbers of co-conspirators, sources of supply, storage facilities, customers, financial institutions, and other individuals or businesses with whom a financial relationship exists;

(j) Indicia of occupancy, residency, rental and/or ownership of the premises described above or vehicles located thereon, including, but not limited to, utility and telephone bills, cancelled envelopes, keys, deeds, purchase lease agreements, land contracts, titles and vehicle registrations;

(k) The opening, search and removal, if necessary, of any safe or locked receptacle or compartment, as some or all of the property heretofore may be maintained;

(l) Any and all computers and information and/or data stored in the form of magnetic or electronic coding on computer media, on media capable of being read by a computer, or other recorded media. This includes, but it is not limited to, computer software, software manuals, tapes, CD's, diskettes, stored electronic communications, taped messages, electronic date/memo minders, address books, word processors, passwords, backup storage devices, audio tape and the contents therein, containing the related information generated by the aforementioned electronic equipment;

(m) Firearms and ammunition, including but not limited to, handguns, pistols, revolvers, rifles, shotguns, machine guns and other weapons and any record or receipt pertaining to firearms and ammunition;

(n) Foreign Express parcel number LX031975047PL addressed to Kyle Halsey, 213 Hawthorne Rd., Chillicothe, OH 45601 USA containing the "sham Fentanyl", beeper device, which was accepted during the controlled delivery and taken into the SUBJECT PREMISES;

(o) Any other items which constitute evidence of the crimes of Title 21 U.S.C. §§ 841(a)(1) and 846 (conspiracy to possess with the intent to distribute Fentanyl, a Schedule II controlled substance).